

Motions C Filing Fees

Directive #2-76

Issued by:

August 27, 1976

Arthur J. Simpson, Jr., J.A.D.
Acting Administrative Director

This office has received various complaints relating to the practice in some counties of charging filing fees for motions in pending criminal matters. No such fee is permitted with respect to motions filed in criminal matters pending at the trial level of the Superior Court. As you know, *R. 3:7-1* requires that "the indictment and all subsequent papers in connection therewith shall be entitled in the Superior Court," and *R. 1:5-6(b)* provides in part that "in all criminal actions, except those in a municipal court or in the Special Civil Part, papers shall be filed with the county clerk as deputy clerk of the Superior Court." See also, *R. 1:34-2*.

After review of this matter, the Supreme Court has decided that filing fees may not be charged or collected by county clerks with respect to motions filed in criminal matters pending in the Superior Court.

EDITOR-S NOTE

This directive is still valid for criminal cases. Filing fees have been imposed for civil motions (P.L. 1991 c.91).

In the first paragraph, the quotation has been changed to conform to the language of amended *R. 1:5-6(b)*, replacing County District Courts with Special Civil Part. *R. 1:5-6(b)* was amended July 14, 1972, effective September 5, 1972.

The statutory citation, *N.J.S.A. 22A:3-1, et seq.*, has been deleted. That statute was repealed by *L. 1985, c.422 8*, effective January 13, 1986.

In the second paragraph, the reference to the County Courts has been deleted.